<u>REMARKS/ARGUMENTS</u>

Claims 1-8 are pending.

In the outstanding Office Action, Claims 1, 3, 4, 6 and 8 were rejected as being unpatentable over <u>Kusaba et al.</u> (U.S. Patent No. 6,510,556), in view of <u>Cao</u> (U.S. Patent No. 6,782,550); and Claims 2, 5 and 7 were rejected as being unpatentable over <u>Kusaba</u> and <u>Cao</u> in view of <u>Trewitt</u> (U.S. Patent No. 6,134,531).

Applicants respectfully traverse the rejections. Claim 1, for example, is directed to a method that enables a user of a user terminal apparatus to make a reservation request for processing server via a reservation control apparatus. Thus, the method employed by Claim 1 uses three apparatuses: a user terminal apparatus, a reservation control apparatus, and a processing server. The reservation control apparatus controls a reservation state of the processing server <u>via a network</u>. This allows the user terminal apparatus to use functions of the processing server by accessing the processing server via the network. The method also includes a step of sending reservation request information from the user terminal apparatus to the reservation control apparatus <u>via the network</u>. Thus, the user terminal apparatus communicates with the reservation control apparatus via the network, and the reservation control apparatus communicates with the processing server via the network.

Neither <u>Kusaba</u> nor <u>Cao</u> teach or suggest this method of communication and coordination.

The outstanding Office Action asserts that <u>Kusaba</u> discloses all the features of amended Claim 1, except for the transmitting of current time reference value to the user terminal apparatus. Assuming *arguendo* that <u>Cao</u> does teach this feature, neither <u>Kusaba</u> nor <u>Cao</u> teach the interconnection of the user terminal apparatus, processing server, and reservation control apparatus via a network, as claimed. Rather, <u>Kusaba</u> shows that the scheduler 105 is part of a single transmitting station 11 as shown in Figure 2 for example.

Kusaba does show a separate satellite network (see e.g. satellite 13), however the communication between the transmitting station 11 and the viewer's home 12 is all done through a single network (Internet 16), but does not show the scheduler 105 being connected to the processing server via the network. Rather, all the functions of the reservation control apparatus and processing server are performed by the transmitting station 11, and thus does not describe all the features of Claim 1. Moreover, neither Kusaba nor Cao teach or suggest a system that would offer the benefits of the presently claimed method, which allows for separate user terminals, reservation control apparatuses, and processing servers to interconnect by way of a network and offer functions separate from one another. Rather, Kusaba is restricted to the use of a scheduler 105 that is dedicated for use only by transmitting station 11.

In order to make a *prima facie* case of obviousness, the PTO has the burden of showing that all the elements in the claimed invention are found in the asserted prior art. This burden has not been met, as there has been no showing in the prior art of the use of a reservation control apparatus that communicates with the processing server by way of a network. In contrast, Kusaba uses a scheduler 105 that is dedicated for the purpose of operating with a video distribution apparatus as part of the transmitting station 11. Accordingly, Applicants respectfully traverse the obviousness rejection of Claim 1 as well as Claims 3 and 4 which depend therefrom.

Although of differing statutory class, Claims 6 and 8 are directed to apparatus and program storage medium claims, but otherwise contain the same structural limitation as discussed above with regard to Claim 1, which is neither taught nor suggested by any combination of Kusaba in view of Cao. Therefore it is respectfully submitted that Claims 6 and 8 also patentably define over the asserted prior art.

Claims 2, 5 and 7 stand rejected as being unpatentable over <u>Kusaba</u> and <u>Cao</u> as applied to the independent claims in view of <u>Trewitt</u>. However <u>Trewitt</u> is only asserted for its alleged teaching of calculating a difference between a client's clock and a server's clock. However, <u>Trewitt</u> does not otherwise cure the deficiencies with regard to <u>Kusaba</u> and <u>Cao</u> as discussed above with regard to Claims 1, 6 and 8 and therefore does not render obvious Claims 2, 5 and 7 when taken in combination with <u>Kusaba</u> and <u>Cao</u>.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-8 is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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